

Fire Trespass Handbook

BLM Handbook H-9238-1

Table of Contents

Foreword	1
Authorities	2
Flow Chart	3
Chapter I: Roles and Responsibilities	6
Chapter II: Fire Investigation	18
Chapter III: Making the Decision to Trespass	21
Chapter IV: Case Preparation and Closure	23
Chapter V: Collections and Fund Distribution	30
Chapter VI: Fire Trespass Reporting	33

Foreword

Fire trespass refers to the occurrence of unauthorized fire on Bureau-protected lands where the source of ignition is a result of human activity and there is evidence of negligence or intent. For human-caused fires where negligence or intent can be established, actions should be taken to recover the cost of suppression activities, land rehabilitation, and damages to the resources and improvements. Trespass action is both cost recovery and an effective deterrent to prevent future damage to public lands.

There are three different avenues available to the government for cost recovery on wildland fires. They are: Administrative Fire Trespass process, Civil process, and Criminal process. This policy and Handbook address the administrative trespass process. In the administrative fire trespass process, the Bureau has the lead role. Civil and criminal processes are conducted through the Department of Justice, and the Bureau provides a support role. These processes are not exclusionary. For example the trespass process could be initiated (an administrative action), and subsequent to that a criminal action could be initiated if the facts warranted such a decision.

The Bureau, or its employees, should pursue cost recovery for human-caused fires on public and/or other lands under protection agreement when negligence or intent has been established. The decision to proceed with a trespass action rests with the District Office/Field Office Manager. If cost recovery is not pursued, the reasons for the decision will be documented. The Field Manager, District Manager or State Director has the authority to recommend alternative methods, or compromise for the recovery of costs (31 U.S.C. 3711). This recommendation is forwarded to the Solicitor for concurrence.

As outlined in the accompanying chart, fire trespass has many key steps. Each fire should be examined to identify fire origin and cause determination. These are important first steps in a successful fire investigation. These steps also help identify specific elements that can be targeted in fire prevention programs to reduce unwanted wildfires.

Two keys to a successful trespass program are a cadre of qualified fire investigators and a designated trespass coordinator. Investigators can help identify specific causes, evidence of negligence or intent, and suspected trespassers. These investigators can come from many program areas including operations, prevention/mitigation and law enforcement. The coordinators have the important task of tracking the investigation, decision making, billing, and collection functions until the case has been resolved.

Fire trespass is a complex program that crosses organizational boundaries. Fire operations, prevention, law enforcement and business management are some of the program areas that interact in fire trespass. An effective fire trespass program has all the necessary elements working together - from fire origin determination, through investigation, case tracking, collection and resolution. This Handbook provides guidance to state and local offices regarding fire trespass programs. Specific questions about fire trespass policy and procedures can be directed to the Fire Trespass Coordinator in each state, or the National Fire Trespass Program Lead.

Authorities

- The Taylor Grazing Act of 1934, as Amended (43 USC 315, 315a)
- The Federal Land Policy and Management Act of 1976, as Amended (43 USC 1701 et seq.)
- Collections and Compromise - United States Code (31 U.S.C. 3711[a])
- The Materials Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601, et seq.)
- The Oregon and California Revested Lands Management Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181, et seq.)
- Public Lands – Title 18 U.S.C. Sections 1855 and 1856
- Departmental Manual (910 DM 1.1)
- Reciprocal Fire Protection Act of May 27, 1955, as Amended (69 Stat. 66; 42 U.S.C. 1856 et seq.)
- Fire Management (43 CFR 2920.1-2, 9212.1, 9212.4, and 9239)

Description of Fire Trespass Flow Chart

This flow chart illustrates the steps in the fire trespass process. Although not in detail, the chart does represent how a trespass case progresses through the administrative action.

First, the origin and cause determination is made. This includes identifying the location and land ownership/jurisdiction of the fire's origin.

If the fire is found to be human caused, a fire investigation is initiated. This investigation will lead to one of three findings:

- 1) There is no evidence of negligence or intent and the case is closed.
- 2) There is evidence of criminal intent and Law Enforcement takes the lead.
- 3) There is evidence of negligence, The Field Manager issues a Notice to Proceed and a trespass case file is established. The case file will not only contain evidence regarding the cause of the fire, but also a record of the costs of the fire – including suppression, damage to facilities and resources, and rehabilitation costs..

The initiation of the trespass process does not stop other potential actions. The U.S. Attorney's office may initiate a civil procedure against the suspected trespasser. Also, a criminal citation (misdemeanor) may be issued. An Administrative trespass action and civil procedure may not happen concurrently. Civil action and citations should be coordinated with the trespass process. Costs of the trespass fire can only be collected once.

At this time the State Director may be notified, and a copy of the case file and evidence is sent to the appropriate Solicitor's Office. The case file contains the information collected through the investigation including evidence of negligence or intent and costs

If the Solicitor agrees with the Field Manager, or if the Solicitor does not respond but there is evidence of negligence or intent, the case proceeds. If the Solicitor does not concur with the Field Manager, the Manager may close the case, or keep it open if they feel more evidence is forth coming.

If the case is proceeding, a Notice of Suspected Trespass is then sent to the suspected trespasser, and a meeting is offered with the Field Manager. At this time the suspected trespasser can provide additional information regarding the case.

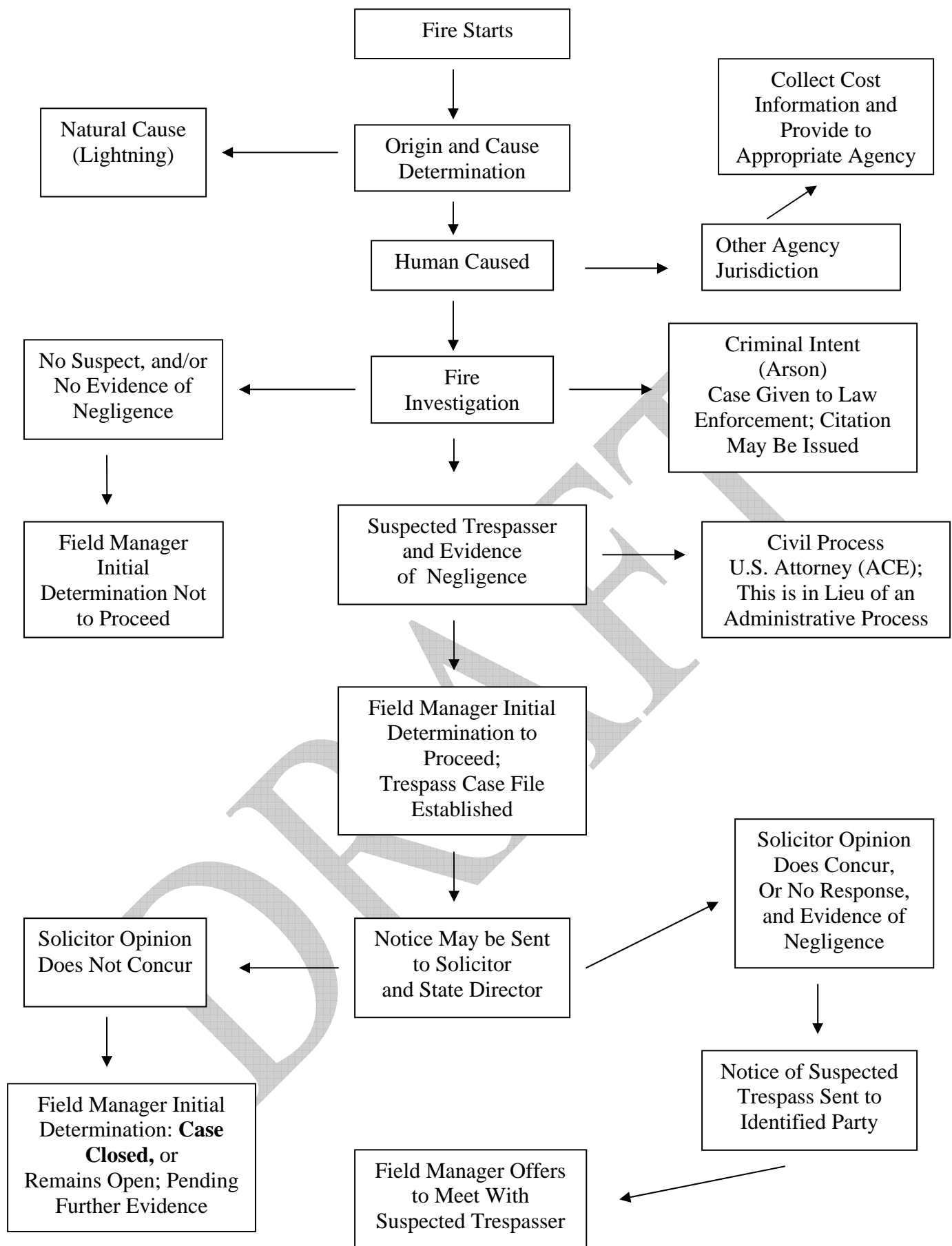
After any meeting with the suspected trespasser, and reviewing the evidence, the Field Manager may make an initial determination to trespass and a Bill of Collection sent to the suspected

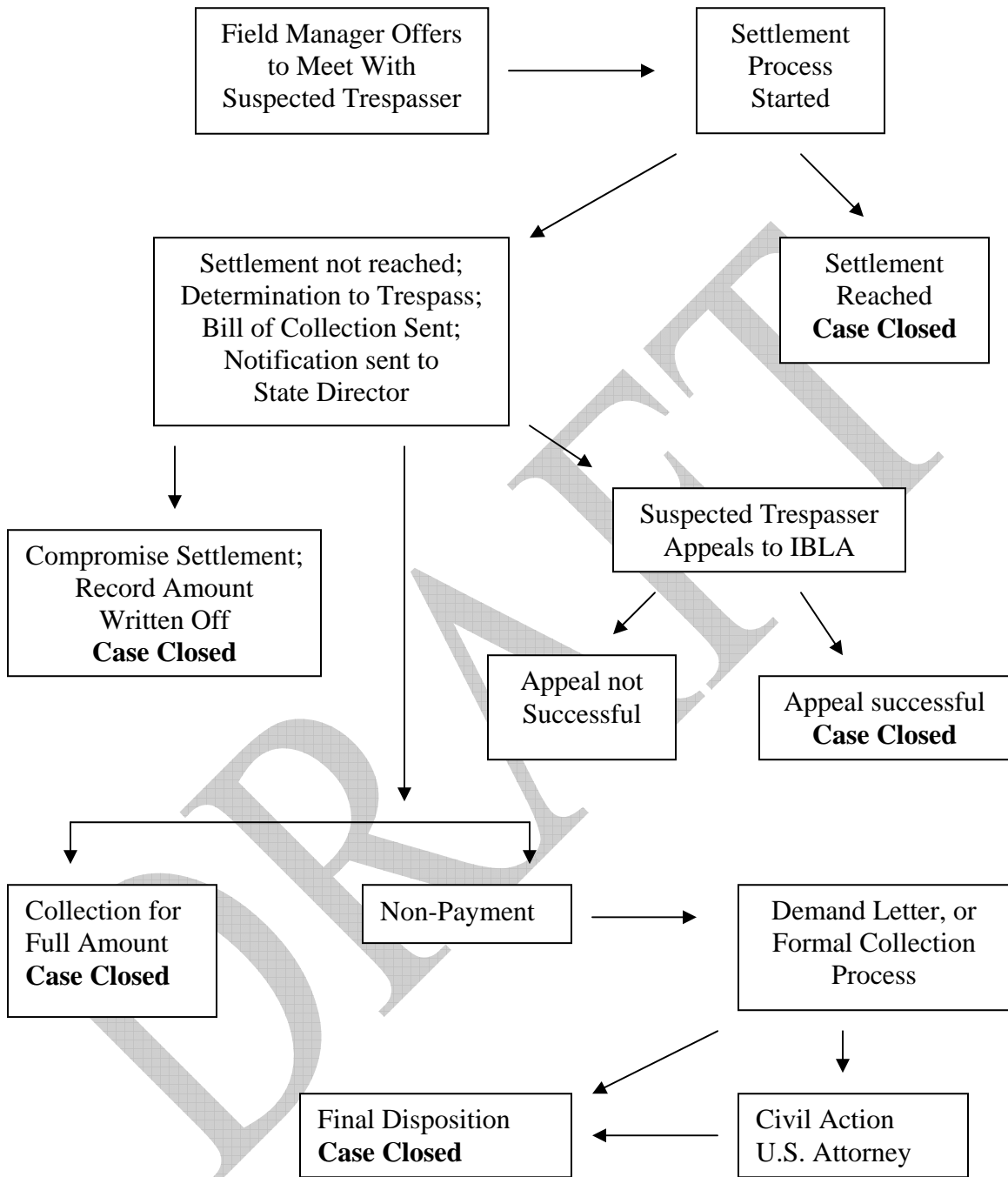
trespasser. The Field manager can also participate in settlement discussions with the suspected trespasser.

If the suspected trespasser does not agree with the findings, they can appeal the case to the Interior Board of Land Appeals (IBLA). If the Board agrees with the suspected trespasser, the case is closed.

If the Board agrees the trespass action was justified, the trespasser must pay the bill. If the trespasser elects not to pay, the case may then a formal collection process may be started, or the case can be turned over turned over to the U.S. Attorney's Office for the initiation of civil proceedings to recover the costs.

DRAFT





Chapter I: Policy, Responsibilities and Roles

A. Bureau Policy

1. The Bureau should pursue cost recovery, for human-caused fires on Bureau administered or protected lands where negligence or intent has been determined.
2. The Bureau will document when cost recovery is not required on human caused fires. All relevant decisions will be documented and kept in the Field Office's official report file and trespass case file when established.
3. For human-caused fires, where negligence or intent has been determined, trespass actions can be initiated to recover cost of suppression activities, land stabilization and rehabilitation, and damages to the resources and improvements
4. The Field Manager may send a copy of the case file to the State Director and/or the Solicitor. If Solicitor concurs or has not objected within 60 days, the Field Manager may issue a Notice of Suspected Trespass based on evidence of negligence.
5. The "incident" facts must show negligence in order to proceed with an administrative process or a civil process for trespass collections, The "incident facts" must show criminal intent for a criminal prosecution to proceed.-
6. The Field Manager has the responsibility to bill for the total cost of the fire and authority to accept only full payment. Upon recommendation of the State Director, the Solicitor may compromise claims of the United States, up to the monetary limits (\$100,000) established by law (31 U.S.C. 3711[a], 4 CFR 103-104, and 205 DM 7.1 and 7.2). Suspension or termination of the amount in excess of \$100,000, exclusive of interest, penalties, or administrative charges, will require concurrence from the Department of Justice.
7. Unless specified otherwise in an approved protection agreement, the agency that has the land management jurisdiction/administration role is accountable for determining the cause of ignition, responsible party, and for obtaining billable costs, performing the billing, collection, and distribution of the collected funds. The agency with the fire protection responsibility role must provide the initial determination of cause to the agency with the land management jurisdiction/administration role. The agency providing fire protection shall provide a detailed report of suppression costs in a timely manner that will allow the jurisdictional agency to proceed with trespass procedures.

8. Each agency's role in fire trespass billing and collection should be specifically defined in a Cooperative Fire Protection Agreement. The common billing and collection process for Federal Agencies is:

When BLM responds to a fire in another Federal agency's jurisdiction and it is determined to be a trespass fire, the BLM will provide an itemization of the Bureau's cost of assistance to that Federal agency for trespass billing. The jurisdictional agency bills and collects for trespass, and BLM then collects from the jurisdictional agency and is reimbursed for its share of the collection.

Generally, cases where the Bureau and one or more Federal agencies are involved in joint suppression activities, the agency with jurisdiction where the fire started will be the lead agency in the trespass process.

Whatever percentage is reached on a final compromised settlement with the trespasser, that same percentage will be used to distribute the collected funds to each participating agency.

Where BLM administered land is protected by a state agency, the billing and collection process is:

The state agency bills BLM for its suppression costs and is paid per the Protection Agreement. The BLM can pursue trespass action for costs of suppression, rehabilitation, and damages, and will deposit the collection per BLM's trespass guidance. (See Chapter V.)

9. Fires should be thoroughly investigated to determine origin and cause. Initiation of the origin and cause determination can be started with the notification of an incident. The Initial Attack Incident Commander and the Initial Attack forces are responsible for initiating cause determination and documenting observations starting with their travel to the fire. If the fire cause indicates human involvement, a fire investigator should be dispatched to the fire. During the initial investigation, if it is determined the fire may be the result of arson, i.e. an intentional set for the purpose of burning BLM administered or protected lands, the Special Agent-in-Charge must be notified and they will determine if a Special Agent and/or a Type II or I Fire Investigator can be assigned to the investigation.
10. Incident Commanders should have basic training in wildland fire cause determination, such as the Wildland Fire Origin and Cause Determination for First Responders course (FI-110), or an equivalent course.

B. Responsibility

It is the Bureau's policy that the responsibility for fire trespass actions resides with the agency having jurisdictional responsibility. Therefore, unless specified otherwise in an approved protection agreement, the agency with jurisdiction responsibility will identify the party in trespass, obtain reimbursable costs, and complete the processes involved with billing, collection, and distribution of collected funds. The agency with the fire protection responsibility must provide the initial determination of cause to the agency with jurisdiction. The protecting agency should also provide the jurisdictional agency a timely, accurate, and detailed report of activities and cost. Roles and time lines must be defined in the Cooperative Fire Protection Agreement(s).

C. Roles

1. **State Fire Management Officer.** The State Fire Management Officer has the overall operational responsibility for fire management activities, including wildland fire cause determination, investigation and trespass in each state.
 - Identify a State Fire Trespass Coordinator
 - Establish a State Fire Trespass Operating Plan
 - Ensure the State Director is Notified when Trespass actions are initiated
 - Develops and maintains a fire investigation cadre
2. **Special Agent-in-Charge.** The Special Agent-in-Charge (SAC) has the overall responsibility in the criminal investigation of an arson fire.
 - All fires that have been determined to be the result of arson, i.e. an intentional set for the purpose of burning public lands, must be reported to the SAC.
 - The SAC will determine if a Special Agent and/or a Type II/I fire investigator will be assigned to the investigation.
3. **State Fire Trespass Coordinator.** The State Fire Trespass Coordinator has the responsibility of ensuring the state has an effective trespass program.
 - Act as liaison with other agencies and departments, including the U.S. Attorney's Office (ACE), the State Director and SAC.
 - Provide coordination with other organizational units within BLM – law enforcement, fire management, and budget/financial sections.

- Assists in the preparation of trespass cases, tracks these cases and ensures appropriate staff have up to date information, including the State Director and External Affairs
- Management and tracking of trespass deposits.
- Assists in reviewing financial documents and coordinates asset searches as appropriate.
- Provides guidance and training regarding trespass issues
- Responsible for data collection, compiling supporting facts and information, responds to requests for information, provides support to appeal and litigation activities.

4. **District/Field Manager.** The BLM District/Field Office Manager has the overall program responsibility for wildland fire investigation, trespass and collections on Bureau lands. On other lands, cooperative agreements can define who has trespass program responsibilities – it may be the BLM District/Field Manager.

- May provide findings of the investigation to Solicitor for review. Makes decision whether or not to proceed with trespass action based on facts determined by Investigation. Uses Fire Trespass Decision Document form to record the decision. (See Illustration 1.)
- Issues “Notice of Suspected Trespass” and meets with the suspected trespasser.
- Initiates formal fire trespass actions. Notifies the State Director and State FMO.
- With the fire manager and law enforcement officer, develops a local cadre of qualified staff, including fire investigators.
- With the fire manager and law enforcement officer is responsible for developing a local Fire Trespass Operating Plan that follows the State level Operating Plan.
- Makes monetary recommendations to the State Director for resolution of the trespass case. See table of Monetary Settlement Authorities, Chapter IV, Section F.)

5. **Local Fire Management Officer** (FMO). The Fire Management Officer has the overall operational responsibility for wildland fire cause determination, investigation and trespass.

- Designate a local Fire Trespass Coordinator
- Provides staffing and training as identified in the State/Unit's Fire Trespass Operating Plan for fire cause determination and fire trespass (refer to 310-1).
- Assures that the initial information regarding the report of a fire is documented to provide subsequent support for fire trespass.
- Assures completion of fire origin and cause determination reports. (See Appendix 1 for examples.)
- Assures notification of Law Enforcement when LE is not part of the original investigation.
- Assures the training and maintenance of fire investigators at the Unit level.
- Makes trespass recommendations to the Field Manager using the Fire Trespass Initial Determination Document. (See Illustration 1.)
- Assures involvement and coordination among resource specialists, collection/accounting personnel, law enforcement personnel and the Field Manager to bring trespass process to completion.
- Works with the Field Manager and law enforcement to develop an office Fire Trespass Operating Plan that identifies local procedures, time lines and responsibilities in determining and investigating the unit's human-caused fires. Specific office roles will depend on the Fire Trespass Operating Plan.

6. **Local Fire Trespass Coordinator** Works with the State Fire Trespass Coordinator, the Field Office Manager, Fire Management Office and Law Enforcement Officer to ensure an effective Fire Trespass Operating Plan.

- Responsible for maintaining appropriate case files including investigative reports and cost documentation.
- Tracks fire trespass information through case files and 1202 fire reports.
- Obtains financial detailed reports and reviews, edits, and finalizes costs for billing. Uses Federal Business Management System (FBMS) and Fire Cost Summary (Illustration 3).
- Records Field Office fire trespass actions and tracks activities until

completed. (See Field Office Fire Trespass Case File Tracking, Illustration 4, and BLM Fire Reporting DI-1202 - Trespass Investigation sub-form, Illustration 5.)

- Prepares fire trespass documents and correspondence for Field Manager. (See Chapter IV and related Illustrations.)
7. **Initial Attack Incident Commander.** The Initial Attack Incident Commander has the overall responsibility for actions on the fire, which includes:
- Documenting initial observations and protecting the scene of fire origin.
 - Assuring origin and cause determination is initiated. If not initially dispatched, assures that a Type III Fire Investigator is requested when cause is unknown or human caused.
 - Makes recommendation to FMO for fire investigator or law enforcement involvement. Providing written input to the fire origin and cause determination reports.
8. **Fire Investigator Type III.** The Fire Investigator Type III follows the local Wildland Fire Cause/Investigation Operation Plan.
- It is the responsibility of the Fire Investigator Type III, to determine and document the probable cause of the fire and to assist law enforcement in any follow-up investigation.
 - The Fire Investigator Type III and Incident Commander (IC) should not be one the same individual, once a fire is determined to be human caused.
 - Follows the process outlined in the investigative section of the Fire Trespass Operating Plan.
 - It is strongly recommended that the Fire Investigator Type III be a stand alone duty, and they be assigned no additional suppression responsibilities.
 - Reports to the IC and obtains briefing concerning fire status
 - Identifies and protects the point of origin.
 - Makes wildland fire origin and cause determination for the IC
 - Determines land status of the general point of origin, if not public lands administered by BLM, notifies appropriate agency for the dispatch of their fire investigator.

- Conducts investigation in accordance with NWCG standards.
- Identifies, protects, photographs and collects evidence at risk of destruction.
 - (Note: For the collection and storage of evidence, by a Type III Fire Investigator that is not a Law Enforcement Officer, prior protocols must be developed for the collection and storage of the evidence that are in accordance with BLM Law Enforcement standards, that are found in Handbook 9260-2. These protocols must be developed by the local LEO, the Type III Investigator(s), the SAC and the FMO.)
- Makes initial scene sketch and gathers appropriate maps.
- Determines potential witnesses and conducts initial on-scene interviews
- Liaison with Bureau Law Enforcement and other agency investigators.
- Assures determination reports and that portion of the DI-1202 addressing fire trespass and investigation activities are complete and provided to FMO.

9. **Fire Investigator Type II.** A Type II Fire Investigator may be assigned to the investigation of a fire when it has been determined that the fire is one of several fires believed to be the work of a serial arsonist(s) or the complexity of the investigation requires the training/skills of a Type II investigator.

- If assigned, the Type II investigator will be the lead investigator/case officer and will coordinate the prosecution of the case with the U.S. Attorney/County District Attorney.
- The assignment of a Type II Investigator will be determined by consultation between the Field Manager, the Fire Management Officer and the Special Agent-in-Charge.

10. **Fire Investigator Type I.** A Type I Fire Investigator may be assigned to the investigation of a fire when it has been determined that the fire is one of several fires believed to be the work of a serial arsonist(s), on lands managed by several jurisdictions and a multi-agency taskforce is formed to conduct the investigation.

- If assigned, the Type I investigator will be the lead investigator/case officer and will coordinate the prosecution of the case with the U.S. Attorney/County District Attorney.

- The assignment of a Type I Investigator will be determined by consultation between the Field Manager, the Fire Management Officer and the Special Agent-in-Charge.

NOTE: Fire Investigator Type I and Type II are positions being developed. As these positions are filled, the duties and responsibilities may change.

11. **Law Enforcement Officer.** Officer may have two different roles in conducting fire investigations: 1) as the designated Lead Fire Investigator (Type I, II, or III); or 2) assisting investigator to a Type III Fire Investigator that is a non-law enforcement investigator.
 - A LEO that is certified by the BLM as a Fire Investigator Type III will have the same responsibilities listed above under Section 8.
 - A LEO that is not certified as a Fire Investigator Type III may still be dispatched to a human caused fire, to assist the Fire Investigator Type III during the on-scene investigation, and conduct any follow-up investigation that is needed
 - Seizes and collects evidence from the scene or from initial response Fire Investigator Type III, and maintains custody of evidence for storage.
 - Retrieves personal identity information from suspects/witnesses or from initial response Fire Investigator Type III
 - Conducts initial or follow-up on-scene witnesses/suspect interviews and/or conducts off-scene follow-up interviews.
 - Reports and documents violation/crime in LAWNET.
 - In coordination with Fire Investigator Type III, determines if probable cause exists for civil or criminal action and makes necessary arrests and/or issues citations.
 - Demands and retrieves personal identity information from suspects/witnesses.
 - Interviews witnesses.
 - Interviews suspects.

- Takes oaths/affirmations on voluntary statements.
 - Initiates criminal proceedings, if applicable.
 - Coordinates with justice officials.
12. **Finance Personnel.** It is the responsibility of finance personnel to administer financial activities relating to fire trespass actions.
- Assists Fire Trespass Coordinator in retrieval of detailed cost information.
 - Prepares Bill for Collection (Illustration 10), adhering to current guidance
 - Deposits fire trespass collections in accordance with guidelines. Reports receipt(s) of collections to District FMO and State Fire Trespass Coordinator. (See Chapter V.)
13. **National Office Fire Staff.** It is the responsibility of the Office of Fire and Aviation to oversee the fire trespass program, provide guidance, and monitor and evaluate activities. The roles of the national fire trespass program lead are:
- Provide management and administrative oversight of the Bureau's fire trespass program by establishing policy and guidance
 - Provide fire trespass policy and program direction.
 - At the end of each calendar year, request field status update on trespass reports.
 - Maintain a national data base of Bureau fire trespass actions.
 - Establishing training and qualification for fire trespass coordinators
 - Conducting field/preparedness reviews of trespass programs
 - Provide for communications on the fire trespass program issues to the state/field levels, Line Officers, fire management, law enforcement, and other organizations.
14. **Bureau Employees.** All Bureau employees are responsible for protecting a fire scene of origin, and notifying their supervisor of any observation made relating to the fire. The fire trespass workload that includes fire investigation, cost documentation, billing, etc., cannot be accomplished by the law enforcement or fire management program alone. The assistance of all Bureau employees is required.

D. State Trespass Fire Operating Plan Outline.

The following is a suggested format for State Trespass Operating Plans. States are encouraged to develop plans based on their specific needs and situations.

1. Introduction

Explains the Fire Trespass Handbook H-9238-1 requirements.

The purpose of the plan: policy and procedures.

2. Program Management

The operating plan should identify those positions and individuals with duties related to fire trespass, and outline their roles and responsibilities in the program. These would include but are not limited to the State Director, State Fire Management Office, State Fire Trespass Coordinator, Law Enforcement Officers, Solicitor's Office, local Field/Office Managers, local Fire Management Officers, local Fire Trespass Coordinator, Fire Investigators and fire suppression personnel.

The operating plan should outline the process for fiscal management. This would include which group should collect the funds, the accounting code(s) used for receiving the funds and a general description of how the funds would be distributed to offices (local units, state office) or functional areas (e.g. fire preparedness, law enforcement, fire prevention/mitigation). Chapter Five of this Handbook provides specific guidelines for fiscal management.

3. Training

An effective Fire Trespass program requires personnel to have adequate skills and knowledge in the appropriate field. The operating plan should indicate the training, skill level and experience for positions listed in Part 2, Program Management.

4. Case Tracking

Maintaining an accurate case file is an important step in tracking fire trespass cases. The state operating plan should outline the information needed for the case file, and who is responsible for collecting, coordinating, tracking and storing the necessary information. This also includes following up on cases as they move through the trespass process (see the flow chart) and documenting the various steps as they are completed.

5. Wildland Fire Investigation

Fire investigation is at the heart of fire trespass cases, and includes the call reporting the fire to dispatch, and the initial attack by fire suppression resources.

The state operating plan should have an outline of the investigation process identifying roles and responsibilities. The following is an example of such an outline.

a. Dispatch

Maintain an updated list of Fire Investigators.

List information that should be recorded from the reporting party and be provided to the fire investigator.

b. Initial Attack Firefighters (IA) and/or Incident Commander (IC)

List the responsibilities and procedures for (IA/IC)

Examples:

The IA/ IC personnel should be utilized whenever possible to assist in identifying, locating and protecting the point of fire origin.

The IA/IC will record any vehicles or people leaving the fire scene.

The IA/IC will protect/identify (with flagging) any fresh vehicle or human tracks around the blackened area of a fire.

The IA/IC will insure the general point-of-origin is disturbed as little as possible until the cause is determined.

c. Fire Investigator

The operating plan should list the experience and training needed for Fire Investigators, and list the responsibilities and procedures for a Fire Investigator.

Examples:

Upon notification the Fire Investigator will obtain all information from dispatch concerning the reported fire.

Once on scene at the fire the Fire Investigator will report presence to IC and check to see if they have any information about the fire.

The Fire Investigator should document/photograph physical evidence at

the point of origin.

The investigator should have their own vehicle, safety equipment, PPE, fire investigation kit, weather kit, GPS Unit, handheld radio, cellular phone.

d. Law Enforcement Officer

The operating plan should list responsibilities and procedures for Law Enforcement Officers. The Law Enforcement Officer that is dispatched to a human caused fire may function as the Fire Investigator (if trained to do so) or assist a Fire Investigator in the processing of the fire origin area, or the collection and maintenance of other evidence.

Examples:

If a Law Enforcement Officer responds to a fire to conduct Cause Determination duties, they will follow the Fire Investigator's procedures.

The Law Enforcement Officer will document and collect all physical evidence on a intentional set (arson) fire.

The Law Enforcement Officer will interview all witnesses on an intentionally set fire and any follow-up interviews for the Fire Investigator.

e. Fire Trespass Coordinator

The operating plan will identify who is responsible for maintaining a trespass case file, and tracking the case as it moves through the trespass process. This may be a coordinator or another person with that responsibility.

Examples:

Establishing a comprehensive case file

Collecting and maintaining appropriate records, evidence, and other information related to the trespass fire.

Track trespass cases as they move through the process; document steps completed; and track billings, collection and closure.

Chapter II: Cause Determination and Fire Investigation

All fires must be thoroughly investigated to determine cause and whether negligence and/or criminal intent were factors. Cause determination must begin as soon as possible, since evidence is easily destroyed. Whether a fire is a natural start or human-caused must be determined in order to develop a successful fire investigation. Fire investigation must be concurrent with the initial response to the fire. The information in this chapter will assist personnel in completing this important job.

A. Fire Investigation.

A Fire Investigation includes the on-scene cause determination investigation and the off-scene follow-up investigation

Cause Determination Investigation. Cause determination starts when the initial report of fire is received and continues until actual cause is determined. The cause determination investigation is conducted by a fire investigator.

Follow-up Investigation. The off-scene follow-up investigation may require professional law enforcement expertise. A follow-up investigation requiring law enforcement involvement includes such activities as collection/preservation of evidence, initial and/or follow-up interviewing witnesses and suspects, maintaining chain of custody of all evidence, and surveillance of suspects. Law enforcement expertise can be used in all instances where intentional, criminal, repeated, or negligent acts are suspected, where juveniles are suspected or involved in the incident, or when follow-up investigative duties are required.

A Type II Fire Investigator may be assigned to the investigation of a fire when it is suspected that the fire is one of several fires believed to be the work of a serial arsonist(s). A Type I Fire Investigator may be assigned to the investigation of a fire when the serial arsonist(s) investigation involves several jurisdictions and a multi-agency taskforce is formed to conduct the investigation. If assigned, the Type II or Type I investigator will be the lead investigator/case officer and will coordinate the prosecution of the case with the U.S. Attorney/County District Attorney.

The assignment of a Type II or Type I Investigator will be determined by consultation between the responding fire investigator, the local LEO, the Special Agent-in-Charge, the Fire Management Officer and the Field Manager.

B. Information to Gather from Time Fire is Reported

Since it is not known at the time a fire is reported whether it is natural or human caused, observations and information from the first report of the fire must be documented.

From the start, each fire should be treated as a potential human-caused fire and each investigation as a potential criminal case. Missed opportunities to obtain information in the earliest phase can have a severe impact on the success of a trespass case.

The dispatcher or person receiving the report of a fire needs to record the personal information of the person(s) reporting the fire. Initial responders must record observations made en route to the fire and upon arrival on scene. The size-up of the fire by the Initial Attack Incident Commander (IAIC) must also include cause determination factors.

Point of Origin and Evidence Protection Upon arrival on scene, and in keeping with personnel safety and the suppression tactic to be used, the fire's point of origin – or the general area of origin – needs to be identified and protected from further disturbance (including acts of suppression/emergency rehabilitation) until cause determination can be made and, if appropriate, investigation initiated.

Identify Witnesses Persons at the scene will often give written statements voluntarily but will be reluctant to do so at a later date. Do not hesitate to capitalize on this situation.

If possible, have the person write the facts in detail and sign and date the statement. The Bureau employee obtaining and witnessing the voluntary statement should sign, date, and record the time on the statement.

This should not be confused with interviewing a possible suspect. Possible suspects should be interviewed by a fire investigator or a Law Enforcement Officer. Possible suspects that are juveniles should be interviewed with a Law Enforcement Officer present.

C. Rewards

Any Field Office or State Office desiring to offer a reward leading to the arrest and conviction of someone suspected of igniting a fire through negligence or intent should contact their State Office Special Agent in Charge (SAC). The SAC will work with the National Office Law Enforcement program to set up the reward. The SAC has authority up to \$10,000 and the State Director and Director, Law Enforcement, have higher authorities.

The benefiting activity must provide the charge code. The benefiting activity most likely to use for arson fires is the 5310 or 5320 subactivity, with the program element of RD, and the project code FIRE.

FIRE is the project code for prevention and fire education activities that are funded from fire trespass collections. (See Chapter II.)

If a state does not have any 5310-5320 funds, they could also use 2810 subactivity. For further information on rewards, see Handbook H-9260-2, *Law Enforcement Operations*.

D. Information Security

Do not share facts concerning the fire with anyone other than the law enforcement officer, cause determination investigator, FMO who has responsibility for the fire management program, or the relevant line manager. All pertinent information and reports will be forwarded to the FMO.

At the conclusion of the cause investigation, an Initial Report of Unauthorized Use should be completed and forwarded to the FMO.

Chapter III: Making the Decision to Trespass

The Fire Management Officer (FMO) reviews the information received from the fire investigation process. This information is used to make a recommendation to the Field Manager on the Field Manager's Fire Trespass Determination Document. The recommendation options are:

- The BLM should not proceed with any action;
- The BLM should proceed with administrative or civil cost recovery; or
- The BLM should proceed with criminal action (this will not preclude the Bureau from concurrent or subsequent cost recovery actions).

Based upon investigation information and the FMO's and law enforcement officer's recommendations, the Field Manager must make a initial determination. This determination will be documented on the Field Manager's Fire Trespass Determination Document. If the determination is made "Not To Proceed," the rationale must be documented on the form. If the status of the case changes at a later date, this form must be amended and documentation for the change included on the form. For example, there was insufficient information to proceed with trespass at the time of the fire. Later additional information is obtained that allows reversal of that determination, and trespass action can be initiated. This change in status must also be annotated throughout the entire trespass process.

A. Determination Not To Proceed

The determination not to proceed is based upon the facts of the investigation when negligence or intent can not be established, or responsible parties cannot be identified. This determination is recorded on the DI-1202, and the 1202's Trespass Investigation sub-form, and the case is closed. The Field Manager's Fire Trespass Determination Document containing the rationale, Not To Proceed, signed by the line officer, along with any trespass investigation information, is filed in the unit's Official Fire Report Folder along with the DI-1202.

B. Determination To Proceed

The determination to proceed is based upon the facts of the investigation when a suspected trespasser can be identified, and there is evidence of negligence. This determination is recorded on the DI-1202 and the 1202's Trespass Investigation sub-form, the case is established, and a trespass number assigned. The Field Manager's Fire Trespass Determination Document, signed by the line officer, along with any trespass investigation information and is filed in the Trespass Case Folder along with a copy of the DI-1202.

The original DI-1202 is filed in the Official Fire Report Folder in the unit's Central Files. (NOTE: The official fire report folder and the trespass case folder may contain the same information.)

The determination to proceed is an administrative step and should not be confused with civil or criminal proceedings. Criminal proceedings and administrative or civil actions can occur on the same trespass case. However, civil actions should be in lieu of, and not concurrent with an administrative trespass action. The Field Office Manager may consult with the Department of Justice/Solicitors Office concerning which avenue to select. The criminal case may be resolved before final disposition of the administrative process.

It strengthens the administrative trespass case if any kind of criminal judgment is passed against the responsible party. The Department of Justice (DOJ) may pursue a parallel proceeding (criminal) simultaneously.

C. Decision to Proceed with Civil and Criminal Actions

When civil and/or criminal proceedings occur, the Bureau's role is to provide support to the Department of Justice, which has the lead role and responsibility for all proceedings. The Bureau's support role in these situations is defined as providing documents such as fire costs, damages, assessments, and other administrative documents. If during the fire investigation, criminal activity is suspected, the case shall be administered by law enforcement. Law enforcement will coordinate with the criminal justice system for seeking prosecution and civil cost recovery. Criminal and/or civil decisions must be documented on the Field Manager's Fire Trespass Decision Document, LAWNET, and fire trespass case numbers assigned. (See Chapter IV for assigning fire trespass case numbers.)

E. Field Solicitor's Notification

The Field Manager completes the Field Manager's Fire Trespass Determination Document and if the recommendation is "To Proceed," a Case Number is assigned. The Field Solicitor's Case Synopsis is submitted to the Field Solicitor with a cover letter, and the State Director, for the Solicitor's recommendation "To Proceed" or "Not To Proceed." Absent objection from the Field Solicitor, within 60 days of the notice the Field Manager may initiate trespass actions. If the Field Solicitor's recommendation is "Not To Proceed" with the trespass action, the Field Manager may close the Fire Trespass Case, or provide additional information to support the decision to proceed.

Chapter IV: Case Preparation and Closure

Chapter four addresses the administrative Fire Trespass process. This process is managed by the Bureau to collect damages and recover suppression and rehabilitation expenditures. As mentioned in the Forward, the Bureau's role following the administrative fire trespass process is different if Civil or Criminal actions occur.

Once the Field Manager's recommendation has been made "To Proceed," a trespass number is assigned at the Field Office and a Fire Trespass Case File prepared. Once the case file is prepared, the Solicitor and State Director are notified. Absent objection from the Field Solicitor, within 60 days of the notice, the Field Manager may initiate the trespass process, with either the Notification of Trespass or Field Manager's Trespass Letter and a Bill for Collection.

Contact with the suspected trespasser is initiated by the Field Manager/Fire Management Staff by sending the Notice of Suspected Trespass (See item B below), and a meeting with the suspected trespasser is offered. Prior to sending the Notice of Suspected Trespass, an estimate of costs associated with the fire (suppression, rehabilitation, etc.) are gathered, reviewed, and placed in the Fire Trespass Case File. It is not necessary to delay the meeting if the final cost figures are not available. Continue to update the case file as final cost figures are made available.

At the meeting with the suspected trespasser, the trespass information is discussed and clarified. This meeting is to examine the information currently available to the government and any information the suspected trespasser may have that further clarifies the potential case.

If the Field Solicitor doesn't concur with the decision to proceed, it is referred back to the field office. The field office can decide to maintain the file in case additional information is collected in the future that will enable the case to proceed; or the trespass case can be closed and the Field Solicitor's determination filed in the Fire Trespass Case File.

A. Fire Trespass Case File

A trespass case number may be assigned from the trespass register maintained at each Field Office location.

The case file number can be recorded on all documents relating to the trespass and filed in the folder. Included in the case file are:

- Field Office Fire Trespass Case File Tracking form;
- Fire Report;
- Fire investigation case report (drawings, statements of witnesses, interviews, list of evidence, etc.);
- Photos, newspaper clippings;

- Cost report documents; and
- Correspondence relating to the trespass action.

It should be organized in a logical manner and kept in chronological order.

Each case file number consists of three groups of alpha/numeric numbers. (For example: NV010-10-0001. The first two alpha letters, NV, identify the State in which the trespass occurred - Nevada. The next three numeric numbers, 010, identify the office - Elko Field Office. The number 10 identifies the unauthorized use as a fire trespass and the last four numbers, 0001, are assigned from the trespass register maintained at each Field Office location.

The Field Manager's Fire Trespass Determination Document signed by the Field Manager, along with any trespass investigation information and the DI-1202 are filed in the Trespass Case Folder. The original DI-1202 is filed in the Official Fire Report Folder in the unit's Central Files.

NOTE: It is important to note that the automated BLM Fire Report, DI-1202, will not close until the assigned fire trespass case number, along with pertinent information associated with the fire trespass, is correctly entered.

B. Notice of Suspected Trespass

The Notice of Suspected Trespass will initiate communications between the Field Office and the alleged trespasser. This notification requests that the alleged trespasser meet with Field Office personnel within 21 days of receipt of notice.

C. Cost Gathering and Determination

Gathering of estimated costs should be completed prior to the sending of the Notice of Suspected Trespass. The estimate of fire costs for the suspected trespasser's meeting includes best estimates to date for: 1) fire suppression costs derived from the Fire Cost Summary and Fire Management Information System (FMIS), or the new Federal Business Management System (FBMS); 2) resource damages; 3) rehabilitation costs; 4) cost of repairing or replacing physical improvements; 5) cost of repairing, replacing, or rehabilitating offsite values; and 6) direct (administrative) costs.

Every attempt should be made to include all costs in the initial estimate. However, costs incurred after the initial estimate or billing should be documented and added to the bill during negotiation or any settlement or court trial.

The billing may be legally amended if the party has not paid the full amount of the bill. However, after payment in full has been received, a billing may not be amended.

1. Fire Suppression Costs. These are the costs coded to the specific fire number (including salaries and equipment costs) regardless of where these costs were incurred, i.e., all BLM offices, USFS, states, other Federal agencies, rural/local fire districts, etc.
2. Resource Damages. Generally, damages will be the cost of re-establishing the resource, including any net value (+ or -) of resources burned, less any salvage value. Refer to forestry trespass for assistance in determining the cost (43 CFR, 9231 and 9239).
3. Rehabilitation Costs. Only costs of emergency rehabilitation activities charged to the rehabilitation subactivity and project code. Does not include the cost of special restoration activities.
4. Cost of Repairing or Replacing Physical Improvements. The damage or destruction of physical improvements caused by the fire, e.g., picnic tables, water guzzlers, fences.
5. Cost of Repairing, Replacing, or Rehabilitating Offsite Values. These values are usually related to water structures which have dried up or in some other way been damaged as a result of fire. Damage should be assessed using replacement costs.
6. Direct (Administrative) Costs. As a result of the United States Court of Appeals, Tenth Circuit, No. 75-1701, decision, the Bureau can not apply the normal indirect cost percentage (approx. 18%) as provided in the annual Instruction Memorandum. The only administrative cost that can be charged must be specifically related to the trespass case and is an actual cost, not a percentage.

As a general guideline, the amount included in the bill will be commensurate with the amount of administrative work performed not already included in the 2821 Subactivity for that fire and which would not be part of some employees' base salary.

Cost would normally include copying, postage, salary for the time spent on a specific case related item for clerks that typically bill by the project, and other administrative activities. Two thousand dollars (\$2,000) might be a base figure for non-complex administrative activities and four to five thousand (\$4,000-\$5,000) may be reasonable for more complex activities.

If their time is not included as part of the cost of the fire, law enforcement and investigative costs can be included. Offices should collect and retain documents related to the cost summaries including timesheets, contracts and invoices.

D. Meeting with Suspected Trespasser

The Field Manager, the FMO and/or Fire Trespass Coordinator meet with the suspected trespasser to review case information. If there is evidence that indicates that the suspected trespasser is not responsible for the fire, or if there is no evidence of negligence or intent, the Field Manager can elect to close the case. Be aware, if Civil or Criminal action has been initiated, then any contact with the defendant is prohibited unless specifically authorized by the U.S. Attorney.

NOTE: the Field Manager has the latitude to recommend alternative methods of compensation for damages. This recommendation must be forwarded to the State Director for a decision with the concurrence of the Field Solicitor.

For example, the trespasser may offer to pay a portion of the bill and offset the remaining portion by performing activities such as fence construction and seeding on those lands damaged by the fire.

E. Notification of Trespass and Bill for Collection.

Regardless of whether the suspected trespasser ignores the Notice of Suspected Trespass, or resolution is not achieved during the meeting with the trespasser, the Field Manager proceeds to the debt collection process. This process begins when a notification of trespass is issued and bill for collection is prepared.

If resolution can be achieved at the initial meeting, the case can move towards settlement or agreement.

The Field Manager can either issue a Notice of Trespass or a Field Manager's Trespass Letter as the notification of trespass. This can include a rationale for the determination and a description of the evidence of negligence or intent.

The Bill for Collection along with a billing document to report the debt as an accounts receivable, is prepared by the collections staff at the local unit. The Bill for Collection should be itemized by major categories, such as Suppression, Rehabilitation, Damages, etc. The Fire Cost Summary, which is a breakdown of major categories (personnel, equipment, aviation costs, retardant, etc.), and FMIS reports should be included as backup for the Bill for Collection. Breakdown of costs incurred by other agencies or fire departments must be provided by those entities. BLM will pursue collection of the other agency costs and include them in the Bill for Collection.

The notification of trespass is sent to the suspected trespasser by certified mail, return receipt requested, and will contain:

- Fire Manager's Trespass Letter or Notice of Trespass;
- Bill for Collection;
- Notice of Actions in Event of Delinquency;
- Notice of Right to Appeal and Instructions on the appeal process.

The suspected trespasser has thirty (30) days from receipt of the Field Manager's Trespass Letter or Notice of Trespass to either make full payment or appeal the decision. If the suspected trespasser appeals the decision, they must send the original appeal notification to the Interior Board of Land Appeals (IBLA) and copies to the Field Manager and Field Solicitor.

If the suspected trespasser has accepted responsibility for the trespass and is willing to pay the damages, but cannot pay in full within the time allowed, a Promissory Note can be completed. Further collection action is suspended until the note is paid in full – at which time the case file will be closed. If the note is not paid as promised, the debt collection process is re-instituted and the debt is forwarded to the State Director for collection proceedings.

Upon notification of appeal, further collection action is suspended until IBLA makes a determination.

When the Bill for Collection is resolved, funds obtained are deposited by BLM collections staff and the case file is closed. (See Section F of this chapter, Case File Closure.)

If no appeal has been filed or no payment arrangements made within 30 days from the date of receipt of the Field Manager's Trespass Letter or Notice of Trespass by the trespasser, the Demand Letter process is then executed by a designated collection official. This is also the process used when the IBLA confirms the decision to trespass, but no payment has been made within 30 days of the appeal decision. The Demand Letter process may be administered at any office level or support center.

F. Case File Closure

Documentation of case closure must be completed for each Fire Trespass. This can occur at the beginning of the process by use of the Field Manager's Fire Trespass Decision Document. It can also occur when payment is received or when an IBLA decision has been reached. Once the Field Manager has acknowledged receipt of the closure memo, this memo is filed in the Fire Trespass file along with the document that closed the file. The case closure is reported to the National Office of Fire and Aviation annually.

If the case file is closed by payment of debt, either in full or compromise offer, the collection information is recorded on the DI-1202 Fire Trespass Investigation sub-form, Field Office Fire Trespass Case File Tracking form. The Bill for Collection is marked paid and filed in the Fire Trespass Case File.

If payment is promised by a Promissory Note, case closure will not take place until the note is paid in full.

G. When a Case is Appealed

Sometimes a suspected trespasser will appeal their case to the Interior Board of Land Appeals (IBLA). The appeal may be based on questions of facts, or questions regarding process.

1. Appeals must be filed within 30 days of the receipt of decision by the suspected trespasser. The appeal will be filed with the Office that issued the decision. Copies of the appeal must also be sent to the IBLA, and the Office of the Solicitor for that area.
2. Within 14 days of receiving a notice of appeal, the Office initiating the trespass action will forward the copies of case file to the IBLA. Copies of the case file and notice of appeal will also be sent to the State Director and the Office of the Solicitor.

The appeals process can take some time. If the IBLA needs further information, they may contact either the Office of the Solicitor in that area, or the Office that initiated the trespass action.

The following table summarizes the approving authorities for compromise settlement of unauthorized use debt:

Monetary Settlement Authorities

If Settlement is:	And Actual Charges/Damages are:	Recommending Official:	Accepting Official:	Concurring Official:	Reference:
Full Payment	No Limit	None	Field Manager (FM) or District Manager (DM) or State Director (SD)	None	None
Compromise Offer	< or = \$100,000*	FM/DM	SD	Solicitor	31 U.S.C. 3711
Compromise Offer	>\$100,000*	FM/DM	SD/Solicitor	Dept. of Justice	31 U.S.C. 3711
Accept Real Property, or other alternative settlement in lieu of or in addition to \$s	No Limit	FM/DM	SD	Solicitor, Dept. of Justice	31 U.S.C. 3711
Write-Off	< or = \$100,000*	FM/DM	SD	Solicitor, Dept. of Justice	31 U.S.C. 3711
Write-Off	>\$100,000*	FM/DM	SD/Solicitor	Dept. of Justice	31 U.S.C. 3711

* Amount of original debt exclusive of interest, penalties and administrative penalties – not the compromise offer.

Chapter V: Collections and Fund Distribution

A. Deposits of Fire Trespass Collections

1. Fire trespass activities will be identified, administered, and tracked according to established procedures within the Bureau of Land Management's (BLM) Fire Trespass Handbook (H-9238-1). The purpose is to reduce property and resource losses from unwanted human-caused ignitions and to off-set the costs of trespass fires.

Fire trespass collections will be deposited into either Subactivity 5310 (Repair of Damaged Lands, O&C) or Subactivity 5320 (Repair of Damaged lands, Public Lands). Use program element "RD" and project code "FIRE" when depositing these collections. **The project code must be attached to the collection or the funds risk being lost into a general collections category.** The program element, RD, and the project code, FIRE, will be hard coded in the Collections and Billing System (CBS). CBS edits do not change or identify the invalid budget organization code for fire trespass reimbursements; however, the bill will not pass the Federal Financial System (FFS) edits and will be rejected. Each State Office has designated a specific office organization code in which collections will be summarized.

There is a general accounting rule throughout the government that "the pocket from which funds were expended [i.e., activity] is the pocket in which reimbursements must be placed" (P.L. 94-579). Therefore, collections from reimbursable activities (such as fire trespass and protection assistance) will be used in a similar manner as originally appropriated.

2. Once fire trespass funds are deposited, they will be managed by the state which does the collection within the broad directives contained in this Handbook. These funds are available as soon as collected and may be maintained in the State Office for statewide activities or targeted to Field Offices.

These funds can only be used for non-recurring contracts, interagency activities, temporary labor, and one-time purchases not requiring continued monetary commitment. These funds are not base funds; they are considered one-time funds and cannot be used to augment the preparedness budget.

If other federal agency's costs were part of the trespass bill, BLM must transfer their percentage of the collection via IPAC (a Treasury subsystem for interagency electronic transfer of funds). State agencies do not usually fall into this situation because a net reimbursement between the two agencies usually occurs at the end of the fire season covering the entire year's suppression actions.

Funds can be used for fire activities identified in the wildland fire prevention planning process; examples include fire awareness, educational activities, law enforcement activities, and prevention and trespass training. Funds can also be used for restoration that is needed as a result of fire where, due to limitations on the use of rehabilitation funds (2881), restoration of areas and developments damaged by a fire could not be accomplished.

Since there are also limitations on non Wildland Urban Interface (WUI) funds (2823) for ecological restoration activities, funds can also be used to treat and reseed areas after they burn to eliminate invasive annuals. **These funds do not have to be applied to the same lands that generated the funds.**

3. If fire occurs on Western Oregon (O&C) lands, deposit the collections into Subactivity 5310. If fire occurs on other public lands, deposit money into Subactivity 5320. **Example:** BLM Utah recovers \$400,000 from a trespass fire action on public land. The entire \$400,000 would be deposited in UT930-5320-RD-FIRE. However, if the fire occurred on O&C lands, Subactivity 5310 would be used, and the amount would be deposited in OR930-5310-RD-FIRE.

Programs 5310 and 5320 include other BLM activities; therefore, it is "critical" that fire trespass collections and resultant spending transactions cite the FIRE project code, or the funds may be lost.

Indirect costs for special funds, such as recoverables, reimbursables, and trust projects will not be assessed to fire trespass collections. This decision has been made because most fire trespass settlements are less than full value and rarely cover actual BLM expenditures. Furthermore, trespass collections do not fit the principle that indirect costs are appropriate when projects benefit non-governmental agencies or private entities (see IM No. 2004-071.) And finally, it should be noted that indirect costs are not part of the trespass billing and therefore, are not part of the collection.

Leave surcharge will be assessed consistent with the amount of expenditures for BLM labor charged to the FIRE project code.

Budget authority derived from trespass collections is considered no-year funds. End-of-year budget resources in fire trespass will be summarized at the State Office level (FIRE) and the existing activity (5310 or 5320) will be carried forward at the current level by state and organization. Use CBS or the Management Information System (MIS) to monitor collections and MIS to manage expenditures.

Fire Trespass Quick Reference Guide

Collection	Where to deposit	Where to spend
Fire Trespass (O&C lands)	Repair of Damaged Lands, O&C (*-5310-RD-FIRE) (ex. OR930-5310-RD-FIRE)	*-5310-RD-FIRE (ex. OR930-5310-HT-FIRE)
Fire Trespass (PD lands)	Repair of Damaged Lands, Public Domain (*-5320-RD-FIRE) (ex. UT930-5320-RD-FIRE)	*-5320-RD-FIRE (ex. UT930-5320-HT-FIRE)

¹ Fire trespass funds are managed by each state.

* Use the appropriate state and office code

Offices for State Collections in 5320/5310 for Fire Trespass
AK310
AZ930
CA940
CO950
ES020
ID930
MT920
NM930
NV913
OR930
UT930
WY950

Chapter VI: Fire Trespass Reporting

To effectively manage the fire program and to meet external mandates, fire information needs to be collected and recorded in a timely manner. This information includes data about the fire trespass program.

A. Fire Trespass Evaluation Form

As described in Chapter III, the Field Manager's Fire Trespass Determination Document records the decision to trespass or not to trespass. A 1998 Office of Inspector General (OIG) audit stated, the Bureau must "ensure that all fires are adequately investigated as to cause and responsibility, and that investigations are properly documented . . ." Therefore, this form is the pivotal point of the fire trespass process and must be retained in the official Fire Report Folder or the Fire Trespass Case File at the local unit.

B. DI-1202 Cause Determination/Trespass Sub-Section

The DI-1202 is the Bureau's official reporting document for all wildland fire activities. When a fire is identified as human caused, the electronic fire reporting system will prompt the user to complete the necessary fire trespass data elements. Necessary data inputs are based on the following situations:

1. When the Field Manager recommends "Not To Proceed" on the Field Manager's Fire Trespass Determination Document, complete the basic cause, people classification, and status field of "no case" on the DI-1202, Trespass Investigation Sub-Form. A "no case" designation requires the completion of the Field Manager's name, title, and the rationale for that decision. The trespass process is then terminated and the fire report can be closed.
2. After meeting with the suspected trespasser, if there is sufficient information about the human-caused fire for the Field Manager to recommend a continuation of the process on the Field Manager's Fire Trespass Determination Document, then proceed by entering information in the basic cause, people classification, and select the "trespass case open" option in the status field and enter the assigned trespass case number. (This is not the fire number. See Chapter IV, A.)
3. Record the amount billed and the date of billing on the DI-1202's relevant fire trespass data fields.
4. When the trespass case is settled, change the status to "trespass closed by billing/collection" and enter the amount recovered and received, and dates of recovery and receipt. If amount received is \$0.00, or less than the amount listed under costs, explain the reason in the remarks section and select the status box option "trespass case closed."

NOTE: Monies received by BLM may be less than the amount recovered as a result of interagency payments or other agreements.

5. When the trespass case is appealed, select “trespass case appealed” in the status box. The case cannot be closed until the appeal is final and status is updated by choosing “case closed by billing/collections.” If no money is received resulting from the appeal, enter \$0.00 in the amount billed, recovered and received by BLM and complete the month, day and year.

DRAFT